



General Assembly

January Session, 2009

**Amendment**

LCO No. 9152

**\*SB0056109152SR0\***

Offered by:  
SEN. WITKOS, 8<sup>th</sup> Dist.

To: Senate Bill No. 561

File No. 347

Cal. No. 285

**"AN ACT CONCERNING THE PENALTY FOR FAILURE TO REMOVE SNOW AND ICE FROM MOTOR VEHICLES."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Section 46b-38b of the general statutes, as amended by  
4 section 1 of substitute house bill 6245 of the current session, is repealed  
5 and the following is substituted in lieu thereof (*Effective January 1,*  
6 *2010*):

7 (a) Whenever a peace officer determines upon speedy information  
8 that a family violence crime, except a family violence crime involving a  
9 dating relationship, has been committed within such officer's  
10 jurisdiction, such officer shall arrest the person or persons suspected of  
11 its commission and charge such person or persons with the  
12 appropriate crime. The decision to arrest and charge shall not (1) be  
13 dependent on the specific consent of the victim, (2) consider the  
14 relationship of the parties, or (3) be based solely on a request by the  
15 victim. Whenever a peace officer determines that a family violence

16 crime has been committed, such officer may seize any firearm or  
17 electronic defense weapon, as defined in section 53a-3, at the location  
18 where the crime is alleged to have been committed that is in the  
19 possession of any person arrested for the commission of such crime or  
20 suspected of its commission or that is in plain view. Not later than  
21 seven days after any such seizure, the law enforcement agency shall  
22 return such firearm or electronic defense weapon in its original  
23 condition to the rightful owner thereof unless such person is ineligible  
24 to possess such firearm or electronic defense weapon or unless  
25 otherwise ordered by the court.

26 (b) No peace officer investigating an incident of family violence  
27 shall threaten, suggest or otherwise indicate the arrest of all parties for  
28 the purpose of discouraging requests for law enforcement intervention  
29 by any party. Where complaints are made by two or more opposing  
30 parties, the officer shall evaluate each complaint separately to  
31 determine whether such officer should make an arrest or seek a  
32 warrant for an arrest. Notwithstanding the provisions of subsection (a)  
33 of this section, when a peace officer reasonably believes that a party in  
34 an incident of family violence has used force as a means of self  
35 defense, such officer is not required to arrest such party under this  
36 section.

37 (c) No peace officer shall be held liable in any civil action regarding  
38 personal injury or injury to property brought by any party to a family  
39 violence incident for an arrest based on probable cause or for any  
40 conditions of release imposed pursuant to subsection (b) of section 54-  
41 63c.

42 (d) It shall be the responsibility of the peace officer at the scene of a  
43 family violence incident to provide immediate assistance to the victim.  
44 Such assistance shall include, but not be limited to: (1) Assisting the  
45 victim to obtain medical treatment if such treatment is required; (2)  
46 notifying the victim of the right to file an affidavit or warrant for  
47 arrest; (3) informing the victim of services available and referring the  
48 victim to the Office of Victim Services; and (4) providing assistance, on

49 and after July 1, 2010, in accordance with the uniform protocols for  
50 treating victims of family violence whose immigration status is  
51 questionable established pursuant to subsection (g) of this section. In  
52 cases where the officer has determined that no cause exists for an  
53 arrest, assistance shall include: (A) Assistance as provided in  
54 subdivisions (1) to (4), inclusive, of this subsection; and (B) remaining  
55 at the scene for a reasonable time until, in the reasonable judgment of  
56 the officer, the likelihood of further imminent violence has been  
57 eliminated.

58 (e) (1) Each law enforcement agency shall develop, in conjunction  
59 with the Division of Criminal Justice, and implement specific  
60 operational guidelines for arrest policies in family violence incidents.  
61 Such guidelines shall include, but not be limited to: (A) Procedures for  
62 the conduct of a criminal investigation; (B) procedures for arrest and  
63 for victim assistance by peace officers; (C) education as to what  
64 constitutes speedy information in a family violence incident; (D)  
65 procedures with respect to the provision of services to victims; and (E)  
66 such other criteria or guidelines as may be applicable to carry out the  
67 purposes of sections 46b-1, 46b-15, 46b-38a to 46b-38f, inclusive, and  
68 54-1g. Such procedures shall be duly promulgated by such law  
69 enforcement agency.

70 (2) On and after [~~January 1, 2010~~] July 1, 2010, each law enforcement  
71 agency shall designate at least one officer with supervisory duties to  
72 expeditiously process, upon request of a victim of family violence or  
73 other crime who is applying for U Nonimmigrant Status (A) a  
74 certification of helpfulness on Form I-918, Supplement B, or any  
75 subsequent corresponding form designated by the United States  
76 Department of Homeland Security, confirming that the victim of  
77 family violence or other crime has been helpful, is being helpful, or is  
78 likely to be helpful in the investigation or prosecution of the criminal  
79 activity, and (B) any subsequent certification required by the victim.

80 (f) The Police Officer Standards and Training Council, in  
81 conjunction with the Division of Criminal Justice, shall establish an

82 education and training program for law enforcement officers,  
83 supervisors and state's attorneys on the handling of family violence  
84 incidents. Training under such program shall: (1) Stress the  
85 enforcement of criminal law in family violence cases and the use of  
86 community resources, and include training for peace officers at both  
87 recruit and in-service levels; and (2) include, but not be limited to: (A)  
88 The nature, extent and causes of family violence; (B) legal rights of and  
89 remedies available to victims of family violence and persons accused  
90 of family violence; (C) services and facilities available to victims and  
91 batterers; (D) legal duties imposed on police officers to make arrests  
92 and to offer protection and assistance, including applicable probable  
93 cause standards; and (E) techniques for handling incidents of family  
94 violence that minimize the likelihood of injury to the officer and  
95 promote the safety of the victim. On and after January 1, 2010, training  
96 under such program shall also include, within available  
97 appropriations, information on (i) the impact of arrests of multiple  
98 parties in a family violence case on the immigration status of the  
99 parties; (ii) crime scene investigation and evaluation practices in family  
100 violence cases designed by the council to reduce the number of  
101 multiple arrests in family violence cases; and (iii) practical  
102 considerations in the application of state statutes related to family  
103 violence. On and after January 1, 2010, such training shall also address,  
104 within available appropriations, eligibility for federal T Visas for  
105 victims of human trafficking and federal U Visas for unauthorized  
106 immigrants who are victims of family violence and other crimes.

107 (g) Not later than [January 1, 2010] July 1, 2010, the Police Officer  
108 Standards and Training Council shall establish uniform protocols for  
109 treating victims of family violence whose immigration status is  
110 questionable, and shall make such protocols available to law  
111 enforcement agencies. Each law enforcement agency shall adopt and  
112 use such protocols on and after [the date they are established by the  
113 council] July 1, 2010."